

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 30, 2008, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, April 16, 2008 Worksession.

Action: Approved as amended, (DKP/CGT, 4-0).

2. **A-6199, Appeal of Rudolph Geist** (Department of Permitting Services – Issuance of Building Permit No. 438435). Order from the Circuit Court for Montgomery County MD.

Action: Re-opened the record to include the Order from the Circuit Court, (CGT/WMH, 4-0).

3. **A-6253, Appeal of Jane Hunter (Sugar Loaf Citizens Association), Gil Rocha, Anne Rocha and John Yates, Jr.** (Department of Permitting Services – Letters dated May 5, 2008, February 5, 2008 and September 19, 2005). Letter to the Board from Todd Brown, Esquire, and Heather Dhopolsky, Esquire, requesting to intervene.

Action: Granted the request to intervene, (DKP/WMH, 4-0).

4. **A-6258, Petition of Joseph Lutch** (one-story addition/garage). Letter to the Board from the petitioner requesting an expedited hearing.

Action: (1) Granted the request for an expedited hearing/hearing will held 7/16/08 @ 9:30 a.m.; (2) petitioner will be asked to supplement the record with additional information regarding the medical condition in the petitioner's statement, (CGT/WMH, 4-0).

5. **CBA-842 [CBA-842-A], Petition of Laszlo N. Tauber d/b/a Westwood Joint Venture** (recreational establishment/bowling alley). Letter to the Board from Martin Hutt, Esquire, requesting a transfer of the special exception. Also included is a letter from Alfred Tauber.

Action: Granted the transfer of the special exception , (DKP/WMH, 4-0).

6. **S-262, Petition of Spring Academy** (private educational institution). Letter from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as never implemented, (CGT/DKP, 4-0).

7. **CBA-2117-A, Petition of Francis J. Collins Funeral Home** (funeral home). Letter to the Board from the petitioner submitting its annual report.

Action: Re-opened the record to include the petitioner's annual report, (DKP/CGT, 4-0).

8. **S-1828, Petition of Exxon Company, USA and Cracked Claw Limited Partnership** (automobile filling station). Letter to the Board from Susan Carter, Esquire, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WMH/CGT, 4-0).

9. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception.

Action: Item deferred for consent to the transfer from Southwestern Bell Mobil Systems, Inc., consensus.

10. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas** (housing for the elderly and the handicapped). Inspection report to the Board from Barbara Piczak, Inspector, DPS.

Action: (1) Re-opened the record to include the inspection report from Ms. Piczak; (2) deferred action on the Show Cause Hearing until after the compliance period of 5/16/08, (CGT/DKP, 4-0).

11. **S-2475, Petition of Williams Communication, Inc.** (telecommunications facility). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception was never implemented and requesting that it be revoked.

Action: Revoked the special exception as never implemented, (WMH/DKP, 4-0).

12. **S-2718, Petition of Lancaster Landscapes** (landscape contractor). Letter from Walter Fitzgerald, Principal, notifying the Board that the special exception has been withdrawn and requesting a refund of the filing fee.

Action: (1) Dismissed the special exception as withdrawn; (2) granted 50% (\$3437.50) refund of the filing fee, (DKP/CGT, 4-0).

PENDING ITEMS:

13. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
14. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
15. **CBA-867 [CBA-2048, S-717, S-717-A, S-1187], Petition of Our House, Inc.** (hospital, sanitarium, nursing or care home). Letter to the Board from Stuart Barr, Esquire, and April Birnbaum, Esquire, requesting clarification of the appropriate special exception use category. (1) Re-opened the record to include Mr. Barr's and Ms. Birnbaum's letter; (2) item deferred for additional information regarding how the current use conforms to the current criteria [W/S 2/20/08].
16. **CBA-969-A, Petition of Millenium Health Services** (nursing home or domiciliary care home). Status update on the compliance of the special exception. (1) Petitioner has hired engineer to develop a special exception site plan; (2) prior to applying for building permits the petitioner will submit to the Board the proposed site plan [W/S 3/19/08].
17. **CBA-1196, Petition of Joseph F. Fernebok, CBA-1472, Petition of Farragut St. Venture and Theo R. Crutchfield, S-35, Petition of G. A. Schlesinger** (off-street parking). Letter to the Board from Stanley Abrams, Esquire, requesting an extension of time to permit the submission of a revised site plan and a forthcoming administrative modification request in connection with Case No. S-35. (1) Re-opened the record to include Mr. Abrams' letter; (2) granted a 45-day extension of time [W/S 1/23/08].
18. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letters to the Board from Jane Ho, Esquire, and Benjamin Akintan, Rph, requesting a transfer and an administrative modification (Large exhibits: cover sheet, existing and demolition plan, modification elevations, construction details, survey). Item deferred for additional information [W/S 7/18/07].
19. **S-535 [CBA-2212, CBA-2212-A, CBA-2614], Petition of Flower Valley Bath & Racquet Club, Inc.** (community swimming and tennis club). Letter to the Board from Hope Liverman, Legal Assistant, submitting the Club's annual report. (1) Re-opened the record to include Ms. Liverman's letter; (2) petitioner to submit revised annual report regarding the tennis court operations [W/S 3/19/08].

20. **S-1073, Petition of Phyllis Smith-Larkins** (accessory apartment). Check received from Rita Larkins requesting the transfer of the special exception. Letter sent to Ms. Larkins notifying her of the required posting for the transfer of a special exception. Letter dated 3/31/08.
21. **S-2132, Petition of Edwin J. Hungerford** (manufacture of mulch). Letter of complaint to the Board from the petitioner. (1) Re-opened the record to include the petitioner's letter; (2) DPS to send abandonment letter to the petitioner and will notify BOA of the response [W/S 3/12/08].
22. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
23. **S-2471, Petition of Kids 'N Care Learning Center** (child day care facility). Letter from Casey Moore, Esquire, submitting the additional information requested by the Board on the special exception staff parking. Item deferred until 1/9/08 Worksession [W/S 12/12/07].

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